IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7064 of 1990

with

SPECIAL CIVIL APPLICATION No 7278 of 1990

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NARENDRA KANJIBHAI MADHUCHHANDA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7064 of 1990
   MR PH PATHAK for Petitioner No. 1-3
   MR LB DABHI AGP for Respondent No. 1-3
2. Special Civil Application No. 7278 of 1990
   MR PH PATHAK for Petitioner No. 1
   MR LB DABHI AGP for Respondent No. 1

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

Date of decision: 26/08/2004

ORAL JUDGEMENT

In this group of two petitions, under Article 226 of the Constitution of India, having common question and upon consensus in terms of the letters by the Government, dated 22.9.1995, produced at Annexure D and dated 13.7.1998 produced at Annexure E in the petition, with reference to the appointment in fixed salary to the daily rated labourers by the Dy. Executive Engineer, Porbandar to the Executive Engineer, incharge of the division of Salinity Ingress Investigation sub division, at Junagadh, both these petitions are disposed of accordingly. However, it may be mentioned that further process in respect of the petitioners could not be under taken by the division and, thereafter, onwards journey for further decisions, as stated at the Bar, on account of the pendency of these two petitions.

In fact, it is difficult to comprehend as to why the existence of or pendency of such petitions claiming rights, under the Government Resolution, dated 17.10.1988, which is directly relatable to those correspondence of the government officers should remain pending . The petitioners have been deprived of their entitlement under the said Government Resolutions, so far as, stated on behalf of the petitioners. Therefore, it is stated before this Court that the process, which has been commenced and could not be concluded because of the pendency of the petition, the observations may be made so that without further delay, expeditiously in complete process could be completed. This consensual statement is quite fair. Obviously, it is the duty of the Department to take up the further exercise as the process has already been commenced for the aforesaid purpose, for the cases of the petitioners and to determine the demand for entitlement under the said Government Resolution, dated 17.10.1988 in accordance with provisions, expeditiously, and it is hoped that the same will be completed on or before 31.12.2004 and these observations and directions will be scrupulously followed.

In view of the aforesaid observations made upon consensual statement and upon consideration of the merits, the petition shall not now assume any survival value and it shall stand disposed of accordingly. Rule is made absolute in each petition accordingly. No order as to costs. Direct service is permitted.

[J.N.BHATT, J]

SNS